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19 MAR 2008 AM 9:15  
UNITED STATES COURT OF APPEALS

MAR 10 2008

FOR THE NINTH CIRCUIT  
DISTRICT COURT  
DISTRICT OF CALIFORNIA

MOLLY DWYER, ACTING CLERK  
U.S. COURT OF APPEALS

ANTONIO MOLINAR,

No. 07-75072

Petitioner,

v.

ORDER

ROBERT L. AYERS, Warden,

Respondent.

07-62545I

Before: T.G. NELSON, TASHIMA and BYBEE, Circuit Judges.

The application for authorization to file a second or successive 28 U.S.C.

§ 2254 habeas corpus petition in the district court is denied. Petitioner has not

made a prima facie showing under 28 U.S.C. § 2244(b)(2) that:

(A) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable fact finder would have found the applicant guilty of the underlying offense.

07-75072

No petition for rehearing or motion for reconsideration shall be filed or entertained in this case. *See* 28 U.S.C. § 2244(b)(3)(E).